

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

CTJ  
**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

2017 APR -3 AM 10:13

CLERK OF COURT  
VK

UNITED STATES OF AMERICA

§

V.

§

CASE NO. 4:16-CR-132-A

§

JAKE LINDSEY HARDIN

§

§


DEFENDANT'S MOTION FOR DOWNWARD  
VARIANCE FROM GUIDELINE SENTENCE

NOW COMES JAKE LINDSEY HARDIN ("Defendant") and files This Motion for  
Downward Variance from Guideline Sentence, and shows the following in support:

1. The Guideline Sentence in this case results in a maximum sentence under the law of 20 years because the Guideline sentence exceeds the statutory maximum sentence.
2. The defendant pled guilty early and is entitled to the 3-level reduction from his Guideline sentence for acceptance of responsibility. However, since the Guideline sentence is still above the statutory maximum sentence the Court can impose, the defendant does not receive a benefit that he would have otherwise received from an acceptance of responsibility reduction.
3. At sentencing, Defendant will show the Court that he was gainfully and lawfully employed at the time of his arrest.
4. At sentencing, Defendant will show the Court that he had withdrawn from criminal activity for many months before he was arrested on this charge.
5. At sentencing, Defendant will show the Court that he is committed to rehabilitation.
6. At sentencing, Defendant will show the Court that he is the father of several small children and is in a stable relationship at this time.

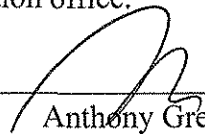
7. Defendant requests that the Court allow him to attend in-patient substance abuse treatment while incarcerated on this charge.
8. Defendant requests that the Court order the sentence imposed in this case to run concurrently with any sentence imposed in Criminal District Court #6 or Dallas County, Texas in Cause Number F1611724, pending before the Hon. Jeannie Howard, Presiding. Defendant would show the Court that: (1) Cause Number F1611724 has not been adjudicated on its merits yet; and (2) there is insufficient evidence for the Court to find that the offense was committed by a preponderance of the evidence for federal sentencing purposes.
9. Defendant requests that the Court order the sentence imposed in this case to run concurrently with any sentence imposed in County Criminal Court #6 or Dallas County, Texas in Cause Number M1611801, pending before the Hon. Angela King Presiding. Defendant would show the Court that: (1) Cause Number F1611724 has not been adjudicated on its merits yet; and (2) there is insufficient evidence for the Court to find that the offense was committed by a preponderance of the evidence for federal sentencing purposes.
- 10.
11. Therefore, Defendant requests that the Court begin his sentence calculations at 240 months at Offense level 32 with a Criminal History Category V, and reduce 3-levels to Offense Level 29. This downwards variance would result in a slower, but still significant sentence that will serve the goals of sentencing and allow Defendant a meaningful chance at rehabilitation in the future.

Respectfully submitted,

  
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Certificate of Service:

On 04/03/2017, a copy of these objections were delivered to the U.S. Attorney's Office and the U.S. Probation office.

  
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Anthony Green